

Notice of Allowability

Application No.

10/087,032

Examiner

Sharad Rampuria

Applicant(s)

ZATLOUKAL ET AL.

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/22/2007.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Amendment

- I. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Peck (Reg. No. 56,826) on 12/18/07.

The application has been amended as follows:

Claims 12-19 are cancelled.

Allowable Subject Matter

- II. The following is an examiner's statement of reasons for allowance:

Claims 1-11 are patentable.

The instantaneous patentability disclose "the audio signal paths to couple said input-output interface and said output interface to telephony and audio in a manner, to allow input-output *correspondingly* interface to be singularly (individually) employed for first headset, output interface to be singularly employed for second headset (as disclosed by applicant in fig. 2a), and input-output and output interfaces to be jointly employed for first and second headsets (as disclosed by applicant in fig. 2b), where first and second headsets being the same headset."

For example, claim 1 disclose the limitation: audio signal paths to couple said input-output interface and said output interface to said telephony means and said audio means in a

manner, to allow said input-output interface to be singularly employed for said first headset, said output interface to be singularly employed for said second headset, and said input-output and output interfaces to be jointly employed for said first and second headsets where said first and second headsets being the same headset.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The closest prior art, Tuoriniemi et al. (US 5978689 A) teaches a portable communication and audio system includes a radio telephone for receiving a first audio signal and transmitting a corresponding first radio signal through a transmitter to another location, and for receiving a second radio signal through a receiver and converting it to a second audio signal. An audio device provides a third audio signal. A microphone receives the first audio signal. A headset with first and second speakers is provided for selectively listening to the second or the third audio signal. A user-operated switch selectively disables the first speaker in a first state or the microphone in a second state. A state-indicating apparatus produces a signal indicating the state of the user-operated switch. A control apparatus, responsive to the state-indicating apparatus, enables telephone usage by connecting the microphone to the transmitter and connecting the second speaker to the receiver when the user-operated switch is in the first state, and connects the first and second speakers to receive the third audio signal when the user-operated switch is in the second state. The system preferably includes a pivotable boom depending from the headset, with the microphone being located on the boom. The audio device can be separate from the radio telephone. The system preferably includes a momentary, user-

controlled switch and control apparatus for implementing a control function for a selected one of the radio telephone and the audio device. (Abstract).

The additional prior art, Okazaki et al. (US 6889043 B2) teaches a method of controlling a communication terminal and a communication terminal that communicates with a base station. The communication terminal having one or more functions different from a communication function, and the execution of the different functions being limited based on a registration process including receiving and registering controlling data transmitted by the base station. (Abstract).

However, the above prior art fails to anticipate or render the limitations of claim 1 in combination with all the recited limitations of claim 1 obvious (**viewed as a whole**), over any of the prior art of record, alone or in combination.

Consequently, Claim 1, is allowed on behalf of above-discussed reasons, and also preserved via Applicants arguments and remarks filed on 01/05/2006 as well. Since Claims 2-11 is dependent on Claim 1, therefore they are also patentable.

Conclusion

III. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Patent Examiner
Art Unit 2617